

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Application by New York Telephone)
Company (d/b/a Bell Atlantic – New)
York), Bell Atlantic Communications,)
Inc., NYNEX Long Distance Company,)
and Bell Atlantic Global Networks, Inc.,)
for Authorization to Provide In-Region,)
InterLATA Services in New York)

CC Docket No. 99-295

Reply Comments of

Keep America Connected
Child Health Foundation
Harlem Consumer Education Council
Hispanic Heritage Leadership Conference
League of United Latin American Citizens
National Association of Commissions for Women
National Association of Development Organizations
National Association of Hispanic Publications
National Black Chamber of Commerce
National Conference on Puerto Rican Women, Inc.
National Urban League
Organization Concerned about Rural Education
Puerto Rico Federal Affairs Administration
Telecommunications Advocacy Group
Telecommunications for the Deaf, Inc.
United Seniors Health Cooperative
United States Hispanic Chamber of Commerce

November 8, 1999

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The undersigned public interest, minority, disability and consumer organizations hereby oppose the Comments to Deny filed in the matter of the application by New York Telephone Company (d/b/a Bell Atlantic – New York), Bell Atlantic Communications, Inc., NYNEX Long Distance Company, and Bell Atlantic Global Networks, Inc. (hereinafter referred to as Bell Atlantic) for authorization to provide in-region, interLATA services in New York. We urge the Commission to undertake an expeditious review and approve Bell Atlantic's 271 application.

Bell Atlantic's entrance into the New York long distance market is in the public interest and will provide real benefits to New York's telecommunications consumers. The primary goal of the Telecommunications Act of 1996 is to promote competition in the telecommunications marketplace. Bell Atlantic has demonstrated that it has met the tests of the Act. Its entry as a long distance competitor will provide new choices and increased competition in New York.

I. Statement of Interests

Keep America Connected (KAC) is a coalition of organizations whose demonstrated goals involve promoting a variety of telecommunications issues. KAC's primary goal is to ensure that all citizens, regardless of income, race, disability, age, ethnicity or geographical location, have affordable access to advanced telecommunications technologies. This goal is best achieved through the rapid development of a fully competitive marketplace that will ensure that consumers across the nation have affordable access to modern telecommunications products and services.

Child Health Foundation was established in 1985 as a non-profit, public charity to prevent and treat life-threatening communicable diseases of infants and

children in the United States and abroad. Their mission is "to save the greatest number of children's lives at the lowest possible cost." We accomplish this through our unique network of health professionals and organizations committed to improving health policies and practices. We operate as an independent agent of change, seeking and promoting more effective, easily delivered and less-expensive methods to prevent illness and death of children. We focus on prevention and treatment of dehydration from diarrheal diseases, which debilitate and kill millions of infants and children worldwide every year.

Harlem Consumer Education Council, Inc., is a consumer advocacy, consumer education and training organization based in New York City, New York. The organization is involved in telecommunications issues, particularly as they affect low income and minority consumers. Among its activities is sponsorship of "Harlem Consumer Awareness Day," a joint conference with state and federal agencies.

Hispanic Heritage Leadership Conference was founded in 1995. It was designed to bring together political and business leaders in an educational forum to discuss issues important to the Hispanic Community. The Hispanic Heritage Leadership Conference has also created a breakfast series held at the Capitol Hill Club - where Congressmen, Senators, and other influential government & corporate entities can have direct access to, and address, the Hispanic Leadership on a wide variety of issues.

League of United Latin American Citizens (LULAC) has approximately 115,000 members throughout the United States and Puerto Rico. LULAC is the largest and oldest Hispanic Organization in the United States. LULAC advances the economic condition, educational attainment, political influence, health and civil rights of Hispanic Americans through community-based programs operating at more than 600 LULAC

councils nationwide. The organization involves and serves all Hispanic nationality groups.

National Association of Commissions for Women (NACW) represents local commissions established to promote the interests of women in cultural, social, and economic fields. NACW supports policies and programs that empower women to make informed choices about all aspects of their lives. NACW has been active in the debate on telecommunications reform, supporting legislative and regulatory initiatives to encourage competition, thereby creating new options and services for women as consumers and in their businesses.

National Association of Development Organizations (NADO) is a public interest group founded in 1967 to promote community and economic development in America's small metropolitan and rural areas. NADO is a leading advocate for a regional approach to community and economic development, including the deployment of telecommunications services to rural and small urban areas. The association's primary goal is to assure all rural citizens have employment opportunities, public services, and a quality of life comparable to other Americans. NADO's members are regional development organizations whose staff provides professional assistance to local governments, businesses, and nonprofit organizations. Regional development organizations help identify local needs and priorities, and are catalysts for strategic planning in rural communities. The functions of regional development organizations vary depending on the needs of local citizens and may include: small business financing, infrastructure and housing development, job training, environmental protection, and

services for the poor and seniors. Each region is governed by a policy board of elected officials, business leaders, and citizen representatives.

National Association of Hispanic Publications (NAHP) has a membership of 120 publications from throughout the United States, with a circulation of 7.5 million. NAHP promotes Hispanic print, provides technical assistance and information to its members, and addresses issues of interest and concern to its members' readership. NAHP has carried out many programs and events designed to promote business opportunities for its members. NAHP coordinates national public information campaigns through its member publications and continues to support Hispanic journalism students through scholarships.

National Black Chamber of Commerce (NBCC) is the largest trade association in the U.S. that deals strictly with economic and business issues and promotes entrepreneurship and capitalism in the African American community. The NBCC represents 188 affiliate chapters and 64,000 member businesses.

National Conference of Puerto Rican Women (NACPRW) is a women's organization with local chapters throughout the United States primarily engaged in education advocacy for Latino youth & parents, youth leadership development, college-bound science and technology scholarship program, small business issues, women's health issues, and other civil and socio-economic issues of concern to women in general, and Latino women in particular.

National Urban League, Inc. is the premier social service and civil rights organization in America. The League is a nonprofit, community-based organization headquartered in New York City, with 114 affiliates in 34 states and the District of

Columbia, including many in the Bell Atlantic region. The mission of the League is to assist African Americans in the achievement of social and economic equality.

Puerto Rico Federal Affairs Administration represents the Governor of Puerto Rico's office in Washington, D.C. It tracks legislation, issues position papers, provides comments regarding policy matters affecting Puerto Rico, and follows economic and technology development issues including consumer issues affecting the people of Puerto Rico, among others.

Organizations Concerned about Rural Education (OCRE) is a coalition of more than two dozen education, farm, rural, technology and utility organizations. What brings them together is their common concern for the economic future of rural America, particularly, the education of rural children. Modern, effective schools are vitally important to that future.

Telecommunications Advocacy Group was established by the Libraries of the Future to address issues in the telecommunications arena. The Libraries of the Future has developed a nationwide campaign to raise public awareness regarding our right to communications and information. Educators, social activists, government officials, small business owners, artists, students, immigrants, and librarians need the information and tools to fight for telecommunications policies that serve the public interest. The LFF Telecommunications Advocacy Project (LFF/TAP) has four major goals: (1) promote public awareness of pending telecommunications legislation and its implications for public access and learning; (2) build the skills of public access advocates in analyzing and influencing legislation; (3) stimulate cross-sector participation in specific legislative actions; (4) promote development of a common agenda for democratic communications

policies involving multiple sectors.

Telecommunications for the Deaf, Inc. (TDI) is a national non-profit advocacy organization established in 1968 to promote full visual access for deaf, hard-of-hearing and speech-impaired constituencies to entertainment, information and telecommunications offerings in America. TDI promotes full visual access to these offerings through consumer education and involvement, technical assistance and consulting, application of existing and emerging technologies, networking and collaboration, uniformity of standards and national policy development and advocacy.

United Seniors Health Cooperative (USHC) is a charitable 501(c)(3) organization serving older people in the National Capital Area. USHC supports efforts to ensure that older people have access to advanced telecommunications applications to meet their health care and other needs.

United States Hispanic Chamber of Commerce (USHCC) mission is to strength Hispanic business associations at the local, state, and national level. Implementing national programs that assist the economic development of Hispanic firms. Increasing business relationships and partnership between the corporate sector and Hispanic-owned businesses. Celebrating Hispanic Business achievements at the USHCC's Annual National Convention, as well as at Legislative and International events. Promoting international trade between Hispanic businesses in the United States and Latin America. Monitoring legislation, policies and programs that affect the Hispanic business community. Providing technical assistance to Hispanic business associations and entrepreneurs.

I. Comments

Commenters understand that the Department of Justice (DOJ) filed its Written Evaluation of Bell Atlantic's New York application with the Commission. In its evaluation DOJ stated, "Because of the vigorous leadership of the New York Public Service Commission ("NYPSC") and the extensive efforts of Bell Atlantic and numerous competing carriers, most of the necessary preconditions for local competition are in place in New York."¹ DOJ went on to say, "There is reason to believe that the remaining problems, involving the provision of access to unbundled loops and the reliance on manual processing for handling orders, can be solved in a short time, and Bell Atlantic, commendably, appears to have taken or committed to take action to do so."²

Commenters believe the Bell Atlantic application should be approved on its merits as endorsed by the NYPSC. Bell Atlantic and the NYPSC have worked diligently, through extensive testing and evaluation, to ensure that New York is open to competition and that Bell Atlantic has met the requirements to provide long distance services throughout the State of New York. The work of the NYPSC and Bell Atlantic demonstrates the commitment of both to meet the letter and spirit of the Telecommunications Act of 1996. This application should not be denied due to technical considerations that, according to the NYPSC's filing and Bell Atlantic's application, have been resolved.

Commenters urge the Commission to approve Bell Atlantic's New York 271 application. If, upon reviewing DOJ's evaluation, the Commission deems it necessary to place conditions on its approval of the application, then the Commission should approve

¹ Evaluation of the United States Department of Justice, CC Docket No. 99-295, November 1, 1999, p.1.

² Evaluation of the United States Department of Justice, CC Docket No. 99-295, November 1, 1999, p.2.

the application with DOJ's concerns noted as conditions. The denial of Bell Atlantic's application is not in the public interest and will delay, by a considerable period of time, the entry of a new and major competitor into the New York long distance market, especially in light of the proposed merger of MCI/WorldCom and Sprint.

Many applications for authorization to provide long distance service have been filed with the Commission. Yet, at the close of 1999 (almost four years after the passage of the Telecommunications Act of 1996) not one of these applications has been approved. Commenters question whether the vision of the 1996 Act is being served. Consumers desire and demand that the telecommunications marketplace be open for competition. Bell Atlantic has done this. Approval of Bell Atlantic's application will enable New York consumers to reap the benefits of increased competition in the local, long distance and data services markets.

Commenters understand and appreciate the Commission's role in carefully examining this application, but the Commission should not use this process to inhibit competition in this dynamically changing marketplace. By doing so, the benefits of increased competition and choice for all telecommunications consumers will not be realized.

III. Conclusion

Commenters again urge the Commission to approve the Bell Atlantic New York long distance application. If deemed necessary, the Commission may approve the application with conditions based on DOJ's concerns. Bell Atlantic and the NYPSC have stated that all of the requirements to provide long distance service have been met. Bell Atlantic has further publicly committed to resolve or demonstrate that the concerns

presented by the DOJ have been resolved. The Commission's denial of this application would be a smack-in-the-face of the goals of the 1996 Act and will result in consumers not receiving the benefits of competition that the Act envisioned. The Commission must look at the pro-competitive benefits of Bell Atlantic's New York long distance application and quickly approve it.

Respectfully submitted,

Cleo A. Manuel

Cleo Manuel, Executive Director
Keep America Connected
P.O. Box 27911
Washington, DC 20005

Carmen Nieves, Executive Director
Child Health Foundation
10630 Little Patuxent Parkway, Suite 126
Columbia, MD 21044

Florence Rice, President
Harlem Consumer Education Council
Triborough Station
P.O. Box 1165
New York, NY 10035

Jose Rivera, Chairman
Hispanic Heritage Leadership Conference
600 Pennsylvania Avenue, SE, Suite 300
Washington, DC 20003

Brent Wilkes, Executive Director
League of United Latin American Citizens
1133 20th Street, NW, Suite 750
Washington, DC 20036

Patricia T. Hendel, President
National Association of Commissions for
Women
8630 Fenton Street, Suite 934
Silver Spring, MD 20910-3803

Aliceann Wohlbruck, Executive Director
National Association of Development
Organizations
444 North Capitol Street, NW, Suite 630
Washington, DC 20001

Andres Tobar, Executive Director & CEO
National Association of Hispanic
Publications
941 National Press Building
Washington, DC 20045

Harry C. Alford, President
National Black Chamber of Commerce
1350 Connecticut Avenue, NW, Suite 825
Washington, DC 20036

Yvonne Cervoni, President
National Conference of Puerto Rican
Women, Inc.
1438 Longhill Drive
Rockville, MD 20854

B. Keith Fulton, Director Technology
Programs & Planning
National Urban League
120 Wall Street
New York, NY 10005

Charles D. Conrad, Executive Director
Organization Concerned about Rural
Education
1201 16th Street, NW
Washington, DC 20036

Rita Rodriquez, Communications Officer
Puerto Rico Federal Affairs Administration,
Office of the Governor
1100 Seventeenth Street, NW, Suite 800
Washington, DC 20036

Warner H. Session, Chairman
Telecommunications Advocacy Group
1150 Connecticut Avenue, NW
Washington, DC 20036

Claude L. Stout, Executive Director
Telecommunications for the Deaf, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910

Anne Werner, President & CEO
United Seniors Health Cooperative
409 Third Street, SW, Suite 200
Washington, DC 20024

George Herrera, President & CEO
United States Hispanic Chamber of
Commerce
1019 19th Street, NW
Washington, Dc 20036